

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR08-082-RSL
)
Plaintiff,)
)
v.)
) DETENTION ORDER
NICOLA ANNE KILCUP,)
)
Defendant.)
_____)

Offense charged: Conspiracy to Distribute Cocaine and Crack Cocaine; Distribution of
Cocaine

Date of Detention Hearing: March 25, 2008

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
02 dangerousness and flight risk, under 18 U.S.C. §3142(e).

03 2. The AUSA proffers that during a search of the defendant's home after arrest, a
04 firearm was found. The AUSA also proffers that the defendant is alleged to have been heard on
05 a wiretap talking about getting her gun to rob her supplier and in connection with planned
06 retaliation against an individual believed to have provided information against her. A large
07 quantity of cocaine was taken from defendant's residence at the time of arrest, in addition to over
08 \$30,000 in a backpack which defendant attempted to throw from the residence at the time of
09 arrest. The AUSA proffers that defendant engaged in numerous counter surveillance measures
10 during the course of the investigation which led to the current charges.

11 3. The defendant's brother is a co-defendant, who has a prior manslaughter
12 conviction. The AUSA proffers information that the defendant's mother, with whom she proposes
13 to reside, was aware of the defendant's alleged drug trafficking activities prior to arrest. It is
14 further alleged that the defendant has a substance abuse problem. The AUSA proffers that
15 defendant and her co-defendant/husband have access to large amounts of cash which have not
16 been located or seized by case agents.

17 4. Taken as a whole, the record does not effectively rebut the presumption that no
18 condition or combination of conditions will reasonably assure the appearance of the defendant as
19 required and the safety of the community.

20 It is therefore ORDERED:

- 21 (1) Defendant shall be detained pending trial and committed to the custody of the
22 Attorney General for confinement in a correction facility separate, to the extent

01 practicable, from persons awaiting or serving sentences or being held in custody
02 pending appeal;

03 (2) Defendant shall be afforded reasonable opportunity for private consultation with
04 counsel;

05 (3) On order of a court of the United States or on request of an attorney for the
06 Government, the person in charge of the corrections facility in which defendant is
07 confined shall deliver the defendant to a United States Marshal for the purpose of
08 an appearance in connection with a court proceeding; and

09 (4) The clerk shall direct copies of this Order to counsel for the United States, to
10 counsel for the defendant, to the United States Marshal, and to the United States
11 Pretrial Services Officer.

12 DATED this 25th day of March, 2008.

13 
14 Mary Alice Theiler
15 United States Magistrate Judge
16
17
18
19
20
21
22